
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

DAVID WEBB,

Plaintiff,

v.

STATE OF UTAH et al.,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:16-cv-00017-JNP-PMW

Judge Jill N. Parrish

On September 15, 2016, Judge Warner filed a Report and Recommendation in this case. (Docket 23). Judge Warner recommended that David Webb's second amended complaint (Docket 16) be dismissed because Mr. Webb failed to resolve the substantive defects discussed in his prior Report and Recommendation (Docket 10). Those defects include a failure to allege facts supporting subject matter jurisdiction and a failure to plead enough factual allegations to support the claims. Because Mr. Webb had an opportunity to amend his complaint, Judge Warner recommended that the dismissal be with prejudice. On September 28, 2016, Mr. Webb filed an Objection to the Report and Recommendation. (Docket 12).

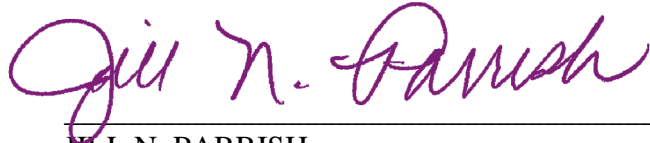
Based on the court's *de novo* review of the record, the relevant legal authorities, Judge Warner's Report and Recommendation, and Mr. Webb's Objection, the court concludes that the Report and Recommendation is a correct application of the law and the facts. Accordingly, the court ORDERS as follows:

1. The Recommendation (Docket 23) is ADOPTED IN FULL.
2. The second amended complaint is DISMISSED WITH PREJUDICE.

3. The Clerk of Court is directed to close the case.

SO ORDERED October 18, 2016.

BY THE COURT:

A handwritten signature in purple ink, reading "Jill N. Parrish", is written over a horizontal line.

JILL N. PARRISH
United States District Judge